IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 619 OF 2003

IN

SUMMARY SUIT NO. 45 OF 2003

Dnyandeo Baburao Kedar .. Plaintiff

versus

Vishwas Majdoor Sahakari Sanstha

Maryadit and Anr. .. Defendants

...

Mr.Nitin Mulye for the plaintiff.

Mr.N. Bhadra Shete for the defendants.

CORAM : D.G. KARNIK,J.

DATED : 30th March 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. After having heard the learned counsel for the parties, I am satisfied that the case involves triable issues. Loan was allegedly advanced to the promoter of the defendant no.1 Society prior to its

incorporation and for the purpose of enabling the promoter to incorporate the Society. The issue as to whether the Society is bound by the pre-incorporation, loans taken by the promoter gives rise to triable issue.

3. In the circumstances, the defendants are granted unconditional leave to defend the suit.

4. Suit shall stand transferred to the list of commercial causes. The defendants to file written statement within a period of four weeks.

D.G. KARNIK, J